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BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
in and for the STATE OF UTAH

IN THE MATTER OF THE WITHDRAWL
OF APPROVAL FOR THE UTAH WEST
MINING AND DEVELOPEMENT, INC.
DELTA MINE, EMERY COUNTY, UTAH
FOR FAILURE TO MAINTAIN SURETY.

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ORDER: ACT/015/020

This cause came on for hearing before the Board of Oil, Gas, and Mining on April 23, 1980 and once again on Wednesday May 28, 1980 in the Wildlife Resources' Auditorium, 1596 West North Temple, Salt Lake City, Utah. The following Board members were present:

Edward T. Beck, Member

E. Steele McIntyre, Member

Raymond C. Juvelin, Member

Cleon B. Feight, Hearing Examiner

Charles R. Henderson, Chairman of the Board reviewed the transcripts of this proceeding and is in accord with the action herein taken.

Also present and representing the Division were:

Ronald W. Daniels, Mined Land Coordinator, Division of Oil, Gas, and Mining

Mary Ann Wright, Biologist, Division of Oil, Gas, and Mining

James W. Smith, Soil Specialist, Division of Oil, Gas, and Mining

Denise Dragoo, Special Assistant Attorney General, Division of Oil, Gas and Mining.

No appearance was made by Utah West Mining and Development, Inc.

NOW THEREFORE, the Board having heard the testimony of the Division concerning this matter and havine considered the evidence, and being fully advised in the premises, now makes and enters the following:

FINDINGS OF FACT

1. Proper procedures for notice and publication of this matter were followed in accordance with the Utah Mined Land Reclamation Act (Chapter 8, Title 40, Utah Code Annotated).
2. The Board has jurisdiction over this matter under the Utah Mined Land Reclamation Act (Chapter 8, Title 40, Utah Code Annotated).
3. On Wednesday April 23, 1980, at 10:00 a.m., in the Executive Conference Room, Holiday Inn, 1659 West North Temple, Salt Lake City, Utah, the Board heard evidence concerning this matter and entered an order withdrawing approval for Utah West Mining and Development, Inc.'s Delta Mine, Emery County, Utah for failure to maintain surety.
4. Utah West Mining and Development, Inc. was requested to notify the Division or the Board of any objections to said order on or before Monday, May 26, 1980 and no such objection or notice was received.

CONCLUSIONS OF LAW

The Division of Oil, Gas, and Mining established to the satisfaction of the Board that surety was not posted for the Delta Mine, Emery County, Utah in accordance with the provisions Section 40-8-16 (b), Utah Code Annotated, 1953 which states:

1. Approval may be withdrawn in the event that the operator fails to provide and maintain surety as may be required under this Act or fails to remain financially responsible under subsection (1) of section 40-8-13.

Therefore, the Board determines that Utah West Mining and Development, Inc. has failed to maintain adequate surety for the Delta Mine, Emery County, Utah and that the approved notice of intent to mine should be withdrawn.

2. The Board also concludes that further operations conducted at the Delta Mine, located in Section 9, Township 26 S, Range 9 E, SLBM, Emery County, Utah shall cease pending reapplication and approval of such activities pursuant to the Utah Mined Land Reclamation Act and maintenance of adequate security for said operation.

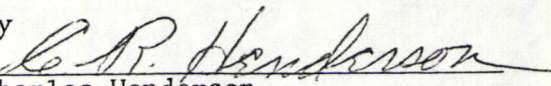
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NOW THEREFORE, the Board withdraws the notice of intent to mine for the Utah West Mining and Development, Inc.'s Delta Mine, Emery County, Utah for failure to maintain surety at said operation. In addition the Board orders the cessation of mining operations at said mine until such time and posts adequate surety pursuant to the Utah Mined Land Reclamation Act.

SO ORDERED this 28th day of May, 1980 by the Board of Oil, Gas, and Mining.

By


Charles Henderson
Chairman of the Board

State of Utah
Department of Natural Resources
Division of Oil, Gas, and Mining
1588 West North Temple
Salt Lake City, Utah 84116